

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 2, 2013

Memo To Counsel Re: United States v. Jack W. Stollof
Criminal No. JFM-09-0328

Dear Counsel:

I have reviewed the memoranda submitted in connection with Jack W. Stollof's Motion For Relief From Stipulated Order (document 238). The motion is denied with the two exceptions stated in this letter.

The reason for the denial of the motion is that I am persuaded that the United States has an interest in protecting the confidentiality of the 302s in question. The 302s were produced to the defendants in the criminal case solely for the purposes of the criminal case. That said, the interest of the United States must be balanced against the interest of truth and the integrity of the state court process. Therefore, if during the course of the pending case in the Circuit Court for Baltimore City being brought by Mr. Nussbaum against Mr. Stollof, Mr. Nussbaum makes any statement that is inconsistent with anything he said during the course of an interview with the FBI, counsel for Mr. Stollof may impeach Mr. Nussbaum by quoting from the relevant portion of a 302. Likewise, to the extent that the state judge presiding over the state court litigation decides that the 302s are relevant to Mr. Stollof's claim that Mr. Nussbaum used the 302s as leverage over Mr. Stolloff, the state court judge may review the 302s herself and admit them into evidence under seal, if she determines that they should be admitted into evidence.

I hope that my rulings are clear and understandable. If they are not, please so advise me, and I will either issue another letter ruling or hold a brief conference with you on the record.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge